

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Everett W. Cox III, and Nan Ping Peng,
natural parents of Nan Ping Raphaël Cox,
on behalf of their minor son and on their
own behalf,

Warwick VCSO, Frank K Greenhall, Superintendent of Schools, Debra Girardi,
School Psychologist + John J. Kolesar, Jr., Principal, Warwick Middle School /

Plaintiff(s) Petitioner(s)

Defendant(s) Respondent(s)

Index No. 07CV 10682

Calendar No.

AFFIDAVIT
OF
SERVICE

being sworn

ORANGE COUNTY, NEW YORK STATE:

MICHAEL CRUDELE

says: Deponent is not a party herein, is over 18 years of age and resides at

66 Hickory Drive, Campbell Hall, NY

On 12-4-07 19 at 1 P.M., at 225 West St East Warwick NY

deponent served the within ☐ summons ☐ with notice

☒ summons and complaint

☐ notice of petition and petition

☐ subpoena ☐ subpoena duces tecum

☐ summons, Spanish summons and complaint, the language required by NYCRR 2900.2(c), (f) & (h) was set forth on the face of the summons(es)

☐ citation

☒ United States District Court

on John J Kolesar Jr
Principal Warwick Middle School

☒ defendant (hereinafter
☐ respondent called therein named
☐ witness the recipient)

INDIVIDUAL 1. ☐ by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION 2. ☐ corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be thereof

SUITABLE AGE PERSON 3. ☒ by delivering thereat a true copy of each to Dorothy Wilson District Clerk a person of suitable age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO DOOR, ETC. 4. ☐ by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there:

Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO RESIDENCE USE WITH 3 OR 4 5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney concerned an action against the recipient.

DESCRIPTION ☐ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs
☒ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☒ 100-130 Lbs
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☒ 5'4"-5'8" ☐ 131-160 Lbs
☐ Brown Skin ☒ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs
☐ Red Skin ☐ Red Hair ☒ Glasses ☒ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs

Other identifying features:

WITNESS FEES 5 the authorizing traveling expenses and one days' witness fee: ☐ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Michael Crudele